

**Mercury Reduction and Education Act (RIGL 23-24.9)**  
**Changes as of July 9, 2003**

**Section 1**

- Chapter 23-24.9-6. (d) The ban on the sale, use or distribution of mercury-added novelties shall not apply to a novelty incorporating one or more mercury-added button cell batteries as its only mercury-added component or components. (This no longer only applies to items with ‘replaceable’ mercury-added button cell batteries.)
- Chapter 23-24.9-7. (a) The ban on the sale, use or distribution of mercury-added products in Rhode Island which exceed:
  - (1) One gram (1000 milligrams) for mercury-added fabricated products or two hundred fifty (250) parts per million (ppm) for mercury-added formulated products, is now effective July 1, 2005;
  - (2) One hundred (100) milligrams for mercury-added fabricated products or fifty (50) parts per million (ppm) for mercury-added formulated products, is effective July 1, 2007;
  - (3) Ten (10) milligrams for mercury-added fabricated products or ten (10) parts per million (ppm) for mercury-added formulated products is effective July 1, 2009.
- Chapter 23-24.9-7. (d) (2) (NEW) Specialized lighting used in the entertainment industry, such as metal halide lights, shall be exempted from the requirements of section 23-24.9-7(a) (listed above).
- Chapter 23-24.9-8. (a) (1) Effective July 1, 2005, a manufacturer may not sell at retail in this state or to a retailer in this state, and a retailer may not knowingly sell, a mercury-added product unless the item is labeled pursuant to this subsection.
- Chapter 23-24.9-9. (a) After July 1, 2005, no person shall dispose of mercury-added products in a manner other than by recycling or disposal as hazardous waste.
- Chapter 23-24.9-10. (a) After July 1, 2005, no mercury-added product shall be offered for final sale or use or distribution for promotional purposes in Rhode Island unless the manufacturer either on its own or in concert with other persons has submitted a plan for a convenient and accessible collection system for such products. Further, the plan must receive the approval of the director.
- Chapter 23-24.9-11. (a) By July 1, 2005, the manufacturers of formulated mercury-added products offered for sale or use to a healthcare facility must provide a certificate of analysis documenting the mercury content of the product to a one part per billion level to the director and to the recipient healthcare facility.
- Chapter 23-24.9-16. Effective July 1, 2005, a violation of any of the provisions of this law or any rule or regulation promulgated pursuant thereto shall be punishable, in the case of a first violation, by a

civil penalty not to exceed one thousand dollars (\$1,000). In the case of any further violations, the liability for a civil penalty shall not exceed five thousand dollars (\$5,000) for each violation.

- Chapter 23-24.9-19. The department of environmental management shall be authorized to coordinate a mercury reduction and education advisory working group. This group will advise the department with regard to the development of regulations and programs for the implementation of the provisions of the chapter and with regard to public education pertaining to elimination of mercury-added products.

## **Section 2 (NEW)**

- Chapter 23-24.9-2.1. Oversight and systems planning – (a) The general assembly finds that the reduction and elimination of health and environmental threats from mercury is a complex undertaking requiring cooperation among policy makers, public health and environmental officials and advocates, private businesses, consumers, and the general public within Rhode Island. Further, the incomplete and partial implementation of the provisions of this chapter has created unintended consequences and thus additional time is required to make these provisions more efficient and effective and to provide for systems planning.
- (b) (1) A fourteen (14) member commission on oversight and planning for mercury hazard reduction and elimination is created with various representatives from public departments, private businesses, advocacy organizations, and experts in this field. A detailed structure of this commission is found within this chapter.
- (b) (2) the purposes of this commission shall be to study the system for reducing and eliminating mercury hazards in Rhode Island. On or before March 1, 2004, and on or before September 1, 2004, the commission shall present to the governor, the speaker of the house of representatives, and the president of the senate an interim progress report. A final report of the commission's findings and recommendations shall be presented by January 1, 2005.
- (b) (3) the commission shall meet at the call of the chair, and shall have the power to adopt bylaws for its organization and appoint such officers and committees as it deems appropriate.
- (b) (4) All departments and agencies of the state shall furnish such support and assistance as the commission deems necessary.
- (b) (5) The commission shall terminate effective July 1, 2005.
- (c) The effective dates for implementing the provisions of this chapter pertaining to phase-outs and exemptions, labeling, collection of mercury added products, disclosure, and violations, shall be July 1, 2005, unless a later date is provided for in the section. No actions to enforce these provisions may occur until July 1, 2005, or after, provided that voluntary use of the provisions shall be facilitated and allowed.

For further information regarding Rhode Island's Mercury Reduction law, visit the RI DEM Web site at: <http://www.state.ri.us/dem/topics/mercury.htm>. Or for further assistance, visit our office Monday through Friday 8:30 a.m. to 4:00 p.m., or call the Department's Office of Technical and Customer Assistance at (401) 222-4700.

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